

RESOLUTION NO. 83-93

ORDER VACATING PROPERTY ON AWANI DRIVE

THE CITY COUNCIL OF THE CITY OF LODI FINDS:

That in July, 1982, there was reserved a public right of way and easements for public utilities located on the north end of Awani Drive, Lodi.

That the right of way and portions of the easement have not been used since it was reserved for the purpose for which it was reserved or for any purpose whatsoever, and that said described easement is unnecessary for present or prospective use.

NOW, THEREFORE, pursuant to the foregoing findings and under the authority of Section 8300 et seq of the Streets and Highway Code of the State of California, it is hereby ordered that there is hereby abandoned and vacated the right of way and easements which are shown on Exhibit A attached hereto and thereby made a part hereof.

The City Manager and City Clerk are hereby authorized to execute on behalf of the City, a Quitclaim Deed to the appropriate persons.

Dated: August 17, 1983

I hereby certify that the foregoing Order Vacating Property was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 17, 1983 by the following vote:

Ayes: Council Members - Pinkerton, Snider,
and Olson (Mayor)

Noes: Council Members - Murphy

Absent: Council Members - Reid


Alice M. Reimche
City Clerk

Table of Bearings and Distances:

No.	Ang	Delta	Length	Tan.	Chord	D.
1	30	14° 36' 50"	12.19	6.4	12.78	5.84
2	30	154° 57' 12"	36.57	245.15	97.98	8.80

NOTES:

1. A concrete post. See Record of Survey.
2. This is the line of the City of Lodi. Survey Vol. 4. 100 feet westerly line of the tie line was moved 3.62 feet. See Record of Survey.
3. Property line. Vol. 3937 of Record of Survey.
4. See Title Insurance.
5. P.U.E. and water line.

LEGEND:

- Rs. 4-36: Fd. Iron Rod in Record of Survey.
- Rs. 4-36: Fd. Iron Rod in San Joaquin County.
- P.U.E.: Public Utility.

Map Labels:

- MOKEUMNE RIVER
- AWANI DRIVE
- LOT 35
- LOT 36
- LOT 37
- LOT 38
- LOT 39
- LOT 40
- LOT 41
- LOT 42
- LOT 43
- LOT 44
- LOT 45
- LOT 46
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- LOT 92
- LOT 93
- LOT 94
- LOT 95
- LOT 96
- LOT 97
- LOT 98
- LOT 99
- LOT 100

Map Text:

- Accreted (Existing) Tie Lines
- Approx. Water Surface Jan. 1982
- Parallel to R/W See Notes
- To be abandoned
- SEE DETAIL
- City of Lodi Roadway Encroachment 3/28/82 OR 203
- MOKEUMNE VILLAGE Book of Maps & Plats Volume 23 Page 95 San Joaquin County, Records

EXHIBIT "A" RES 83-93

Alcane Drive

ORDER VACATING EASEMENT
IN LAKEWOOD, UNIT NO. 4

THE CITY COUNCIL OF THE CITY OF LODI FINDS:

That on June 7, 1967 there was dedicated an easement for Public Utilities in a portion of Section 35, Township 4 North, Range 6 East, Mount Diablo Base and Meridian, filed for Record on July 26, 1967 in Book 18, Page 5, San Joaquin County Records.

That the easement hereinafter more particularly described is no longer used for the purpose for which it was dedicated or for any purpose whatsoever, and that said easement is unnecessary for present or prospective use.

NOW, THEREFORE, pursuant to the foregoing findings and under the authority of Section 50443 of the Government Code of the State of California, it is hereby ordered that there is hereby abandoned and vacated the above described easement which is more particularly described as follows:

A portion of Section 35, Township 4 North,
Range 6 East, Mount Diablo Base and Meridian,
being described as follows:

The east 5 feet of Lot 272 except the
south 8 feet of Section 35, Township 4 North,
Range 6 East.

Dated: July 21, 1976

I hereby certify that the foregoing Order Vacating Easement in Lakewood, Unit No. 4 was passed and adopted by the City Council of the City of Lodi in regular meeting held Wednesday, July 21, 1976 by the following vote:

Ayes: Councilmen - Ehrhardt, Katnich, Katzakian,
Pinkerton and Hughes

Noes: Councilmen - None

Absent: Councilmen - None

Alice M. Reimche
ALICE M. REIMCHE
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

K11

TO: City Council
FROM: City Manager
DATE: August 12, 1983
SUBJECT: Awani Drive Right-of-Way

RECOMMENDED ACTION: That the City Council not abandon any public right-of-way on Awani Drive.

BACKGROUND INFORMATION: At the last regular Planning Commission meeting, on August 8, 1983, Mr. Howard Arnaiz asked the Planning Commission to approve a Parcel Map which did not include the required cul-de-sac at the north end of Awani Drive. The Planning Commission indicated to Mr. Arnaiz that they could take no action unless the City Council changed their position on the need for the cul-de-sac and officially abandoned the public right-of-way.

Attached is a letter from the Sanguinetti & Arnaiz Development Company, Inc., requesting the City Council to abandon the unimproved public right-of-way located at the north end of Awani Drive. Awani Drive is located in the Mokelumne Village subdivision and the subject unimproved public right-of-way is highlighted in yellow on the attached Exhibit A.

The unimproved cul-de-sac right-of-way fronts the City's old dumpsite (SOL) which was purchased by Howard Arnaiz in July 1982. Attached as Exhibit B is a copy of the bidding documents which clearly indicates on page 3 that the new owner of the property (Howard Arnaiz) is responsible for the completion of the cul-de-sac at the end of Awani Drive. Attached as Exhibit C is Mr. Howard Arnaiz's bid transmittal indicating that his bid is being submitted in accordance with the conditions contained in the bidding document. Also attached as Exhibit D is plot plan that went with the bidding documents to show the bidders the exact parcel which they were acquiring and that the parcel did not include the future cul-de-sac right-of-way. It is felt that there is no question that Mr. Arnaiz purchased the City property knowing full well that he would have to construct a standard City cul-de-sac at the end of Awani Drive. It was made very clear to all parties bidding on the City's SOL that it would be their responsibility to construct the cul-de-sac improvements. If the Council now changes that requirement, then there is a real question whether that is fair to the other bidder. The estimated cost of the improvements is approximately \$15,000. If this change was made prior to the bidding, it certainly appears that the bids the City received may have been \$15,000 higher.

APPROVED:

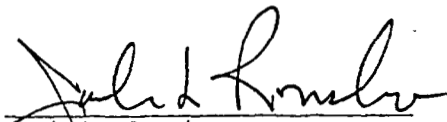
HENRY A. GLAVES, City Manager

FILE NO.

City Council
August 12, 1983
Page 2

Based on what Mr. Arnaiz wants to do with the property, this department has provided him with two other alternates which provide for standard street terminations, which would provide nearly the same development concept.

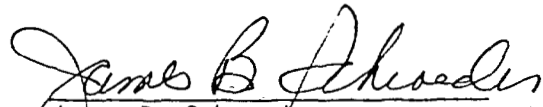
The Public Works and Community Development Departments feel very strongly that the City should not allow any substandard street terminations in Lodi. It is recommended that the City Council not change the conditions of the SOL sale and that the subject public right-of-way not be abandoned.



Jack L. Ronsko
Public Works Director

Attachments

JLR/JBS/dh


James B. Schroeder
Community Development Director

Sanguinetti & Arnaiz Development Co., Inc.

P. O. Box 8492 - Stockton, California 95208 - (209) 951-7230

August 10, 1983

Mr. Glen Robinson
City Engineer
221 W. Pine Street
Lodi, CA. 95240

RE: Scenic Overlook Parcel Map

Dear Mr. Robinson:

Pursuant to our conversation this day please consider this letter my official request of the Lodi City Council for their abandonment of that certain unimproved street right of way located at the north end of Awani Drive. This street right of way was retained by the City when they sold the scenic overlook property.

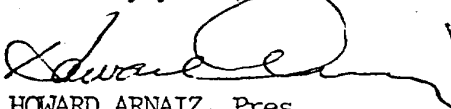
This request is necessary as per the instruction of Mr. Jim Schroder at the Planning Commission meeting of August 8, 1983 so that the City Planning Commission may act upon my tentative subdivision map which I have submitted and does not include this portion of street right of way as a public road.

I agree to pay the abandonment fees as required by the City.

It is my understanding that this request will be considered by the City Council at their regular meeting of August 17, 1983.

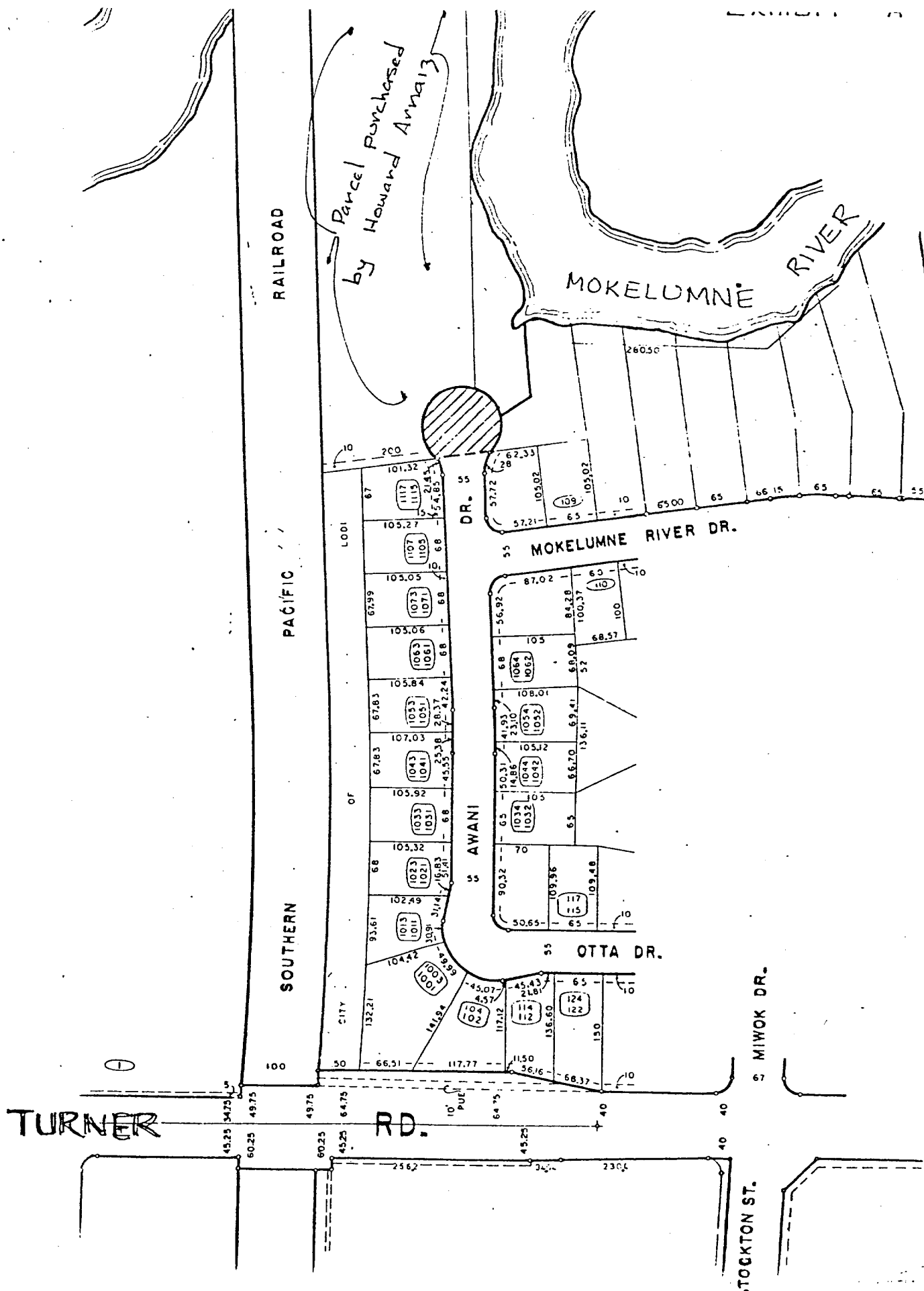
If there is additional information that I may provide you with or if you have any question please call me.

Sincerely yours,


HOWARD ARNAIZ, Pres.
Sanguinetti & Arnaiz Development
Co., Inc.

HA/rtd





RESOLUTION NO. 81-173

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI DECLARING ITS INTENTION TO SELL SURPLUS
REAL PROPERTY

WHEREAS, the City of Lodi is the owner of certain real property described as follows:

A portion of the southeast quarter of
Section 36, T4N, R6E, MDB&M; more
particularly described as follows:

Beginning at the north west corner of Lot 35 of Mokelumne Village as filed for record September 26, 1978 in Volume 23, page 95, San Joaquin County Records; thence N 8° 21' E, 101.32 feet to the northeast corner of said Lot 35; thence 12.75 feet along a nontangent curve, concave to the southwest said corner having a radius of 50.00 feet, and a long chord which bears N 34° 38' 23" W; thence 136.97 feet along a reversing curve to the right, said curve having a radius of 50.00 feet, and a long chord which bears N 36° 31' 48" E; thence N 3° 00' W to the point of intersection with the south bank of the Mokelumne River; thence northerly and westerly along said south bank to the point of intersection with the Southern Pacific Company right of way; thence S 3° 00' E along said right of way to a point which bears S 82° 21' W from the northwest corner of above described Lot 35; thence N 82° 21' E, 27.43 feet to the point of beginning; and

Reserving an easement for public utilities, 10 feet in width, lying north and west of the following described line.

Beginning at the NE corner of the above described Lot 35; thence 12.75 feet along a nontangent curve, concave to the southwest said curve having a radius of 50.00 feet, and a long chord which bears N 34° 38' 23" W; thence 136.97 feet along a reversing curve to the right, said curve having a radius of 50.00 feet, and a long chord which

bears N 36° 31' 48" E to the termination of said 10 foot easement.

Also reserving an easement for public utilities, 15 feet in width, the centerline being described as follows:

Beginning at a point on the west line of above described parcel, 6.45 feet from the southwest corner of said parcel; thence N 49° 57' E to the east line of said parcel, also being the termination of said 15 foot easement.

Also reserving an easement and vehicular access described as follows:

The south 15 feet of the above described parcel; and

WHEREAS, the said real property is not needed by the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi in an adjourned regular meeting held December 9, 1981 that it hereby declared its intention to sell the said real property to the highest bidder therefor pursuant to the provisions of Sections 25520-25535, inclusive, of the Government Code.

BE IT FURTHER RESOLVED that the terms on which the real property will be sold are as follows: Each bid shall be in a sealed envelope marked so as to denote the contents and addressed to the City Council of the City of Lodi, c/o Alice M. Reimche, City Clerk of the City of Lodi, 221 W. Pine Street, Lodi, California 95240. Such bids may either be sent by mail to the City Council at said address or filed with the Clerk on or before June 29, 1982. Each bid must be accompanied with a deposit in cash or cashier's check in the

amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). The balance of the purchase price is to be paid within 60 days after the acceptance of the offer through escrow with a mutually agreed upon bank or title company. At the close of escrow, the City of Lodi's Grant Deed subject to easements and encumbrances of record will be delivered to the successful bidder. If the successful bidder fails to complete the purchase of the property in accordance with the terms hereof, his deposit will be forfeited and retained by the City of Lodi as liquidated damages and he shall forfeit all rights hereunder. It is agreed that damages in the event of failure to complete the purchase would be difficult to ascertain and that such sum represents a reasonable attempt to ascertain what such damages would be. The successful bidder agrees to pay for the cost of all escrow and recording fees, documentary transfer taxes, and title insurance if desired. The City will pay for the cost of publishing this resolution.

BE IT FURTHER RESOLVED that bids must be submitted for the entire property hereinabove described. The following matters concerning said real property should be noted and taken into consideration by prospective bidders: that the property has existing easements; that the developer of the property is responsible for the completion of construction of the cul-de-sac at the end of Awani Drive, that the City gives no guarantee as to the soil conditions, which may limit the feasibility of building on the property as the area has been used as City landfill for many years; that prior to September

30, 1982 additional leaves may be removed from subject property and the existing ground may vary from what presently exists; that the developer is responsible for all normal City policies and fees covering like developments within the City, including storm drainage; and that a vehicular access is being retained along the south 15.00 feet of the property for the City of Lodi and Southern Pacific Company.

BE IT FURTHER RESOLVED that July 7, 1982 at the hour of 8:00 p.m. is the time when, and the City Council Chamber, City Hall, 221 W. Pine Street, Lodi, California is the place where a regular meeting of the City Council of the City of Lodi will be held at which time sealed proposals to purchase the said real property will be opened and considered. Before accepting any written proposal, the City Council will call for oral bids. If, upon the call for oral bids, any responsible person offers to purchase the property for a price exceeding by at least five (5) percent of the highest written proposal, then the highest oral bid by a responsible person shall be finally accepted. To submit an oral bid, each such bidder must deposit in cash or cashier's check the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). The balance of the purchase price shall be paid in the manner specified above.

The City Council of the City of Lodi reserves to itself the right to reject any or all bids, either written or oral, and the right to withdraw the property from sale.

BE IT FURTHER RESOLVED that the notice of the adoption of this resolution, and the time and place of holding said

meeting, shall be given by posting copies of this resolution, signed by the City Clerk of the City of Lodi in three public places in the City of Lodi, as follows, to wit:

One on the bulletin board at the north entrance to City Hall, 221 W. Pine Street, Lodi, California

One on the bulletin board at the entrance to the Public Safety Building, 230 W. Elm Street, Lodi, California

One on the bulletin board located at the Lodi Public Library, 201 W. Locust Street, Lodi, California

not less than fifteen (15) days before the date of the meeting, and by publishing notice of the adoption of this resolution not less than once a week for three (3) successive weeks before the meeting in the Lodi Life and Times, a newspaper of general circulation published in the City of Lodi.


Dated: December 9, 1981

I hereby certify that Resolution No. 81-173 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 9, 1981 by the following vote:

Ayes: Councilmen - Hughes, Murphy, Pinkerton, Katnich and McCarty

Noes: Councilmen - None

Absent: Councilmen - None


ALICE M. REIMCHE
City Clerk

"FOR INFORMATION CONCERNING THIS MATTER, PLEASE CONTACT THE CITY OF LODI PUBLIC WORKS DEPARTMENT - (209) 334-5634."

EXHIBIT "C"

June 28, 1982

City Council
City of Lodi
221 W. Pine Street
Lodi, CA. 95240

Attention: Alice M. Reimche

Subject: Resolution No. 81-173

Dear Ms. Reimche:

Pursuant to the City Council of the City of Lodi declaring its intention to sell surplus real property and in accordance with the property description, survey map and other conditions contained in the subject resolution, I submit my bid in the amount of Ten Thousand Three Hundred and Fifty Dollars (\$10,350.00) to purchase said property.

Enclosed is a cashier's check in the amount of Fifteen Hundred Dollars (\$1,500.00) as deposit required by you.

Respectfully submitted,



HOWARD D. ARNAIZ
1073 Awani Drive
Lodi, CA. 95240

Mailing Address:

P.O. Box 8492
Stockton, CA. 95208

Check to Finance
8/16/82

adiale
1 22° 40' 01" E
V 22° 23' 00" E

1. A conc. See Rem.
2. This is City of Survey feet we line of 3.62 ft. line we
3. Property Vol. 29
4. S-W 1/4 T11
5. P.U.E.

ior to the subdivision grading.
in San Joaquin County Survey #4205.

side] at the Southeast corner of the
fenced surveys. Per Wacord of
of the Railroad tracks were 263.5
from this point in 1934. The center
line does not exist to prove the
center line of the tracks.

-any Outclaim: Seed recorded in
- assumed to cover accreted lands.

Ref No. 73315.

MAP of SURVEY
A portion of the southeast quarter of
Section 36, T.4N., R.6E., M.D.B.&M.,
City of Lodi, San Joaquin County, Calif.
January 1982 Scale: 1" = 60'

Baumbach & Piazza
Civil Engineers
Lodi, Calif.

BASIS OF BEARING

BASIS OF BEARING
The northern magnetic boundary of Mexico-Mexico
is shown on the map, page 23, page 25.
1900-1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575

MONUMENTS SET

MONUMENTS SET

SURVEYOR CERTIFICATE

THE UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Q. What is the name of the person who is the owner of the property?

LEGEND:

R 3 4-36
FBI
PUB

Pd. 1701
RACOL
F2. 1701
PUBLI

MOORE, VA. 4/22/60
Box of Maps & Maps
Volume 23 Page 35
San Joaquin County, Calif.

DETAIL

AUG 12 1983

10-1156

1997 10 23

EXHIBIT "D"